

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

BILLY F. ALLEN, #366613
ET AL.

VS.

GARY JOHNSON, ET AL.

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CIVIL ACTION NO. G-03-998

OPINION AND ORDER

Before the Court is a “ Notice of Appeal” submitted by movant, **Johnny McKnight**, on January 24, 2007. **McKnight** seeks to appeal from an Order of the United States Magistrate Judge issued on January 11, 2007, which denied his “ Motion to Intervene” in Civil Action G-03-998.

The Magistrate Judge informed **McKnight** that on March 28, 2005, this Court granted the motion for summary judgment of the Defendants and dismissed the action with prejudice under 28 U.S.C. § 1915(e)(2). The Plaintiffs appealed that decision to the United States Court of Appeals for the Fifth Circuit. On September 12, 2006, the Court of Appeals affirmed this Court’ s dismissal. Consequently, this action is no longer pending before this Court; there is no case in which McKnight could intervene

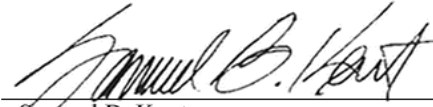
This Court finds that the United States Magistrate Judge did not err in his decision to deny **McKnight’ s** Motion to Intervene in this inactive action and properly denied the Motion.

It is, therefore, the **ORDER** of this Court that the decision of the United States Magistrate Judge denying McKnights’ s Motion to Intervene is **AFFIRMED**.

It is further **ORDERED** that the United States Magistrate Judge’ s denial of **McKnight’ s** request to add additional Defendants to this action is also **AFFIRMED**.

It is further **ORDERED** that the Clerk **SHALL** mail a copy of this Order to movant, **Johnny McKnight, only**, at the address provided on his pleading.

DONE at Galveston, Texas, this 2nd day of March, 2007.



Samuel B. Kent
United States District Judge